



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 23, 1996

Ms. Tracy B. Calabrese  
Assistant City Attorney  
Legal Department  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-0791

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 26344.

The City of Houston (the "city"), received a request for information concerning investigations about Fire Chief Eddie Corral, Sr. You inform us that the only responsive information the city has is a file of an investigation by the Public Integrity Review Group ("PIRG"). You state that PIRG completed the investigation and that the allegations were not sustained. You contend that the investigation is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 143.1214 of the Local Government Code.

This office recently issued Open Records Decision No. 642 (1996) (enclosed) which determined that section 143.1214(b) requires the city to withhold documents relating to PIRG investigations of a firefighter or police officer when PIRG has concluded that the allegations are unfounded. As you advise us that the requested file relates to an investigation involving a fire fighter<sup>1</sup> that was closed as unsustainable and that no

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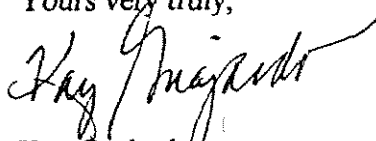
<sup>1</sup>Section 143.003(4) of the Local Government Code defines a "fire fighter" as

a member of a fire department who was appointed in substantial compliance with this chapter or who is entitled to civil service status under Section 143.005 or 143.084. The term includes fire fighters who perform:

disciplinary action was taken as a result of the investigation, the information must be withheld from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/LBC/ch

Enclosures: Submitted documents  
Open Records Decision No. 642 (1996)

Ref.: ID# 26344

cc: Mr. Roland Garcia, Jr.  
Vinson & Elkins  
2500 First City Tower  
1001 Fannin  
Houston, Texas 77002-6760  
(w/o submitted documents; w/ Open Records Decision No. 642 (1996))

Mr. Joe Izbrand  
News Director  
KTRH-TV  
510 Lovett Blvd.  
Houston, Texas 77006  
(w/o submitted documents; w/ Open Records Decision No. 642 (1996))

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(Footnote continued)

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(I) administration.

You state that the fire chief is appointed by the mayor, but he retains civil service status or protection. Therefore, we conclude that the fire chief is a "fire fighter" for purposes of section 143.1214(b).